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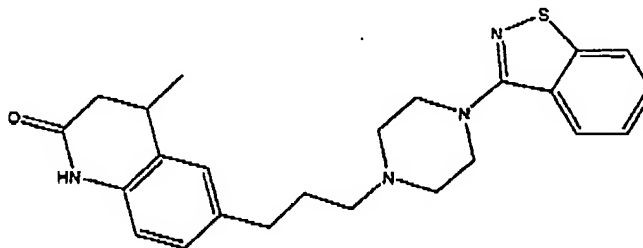
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**REMARKS**

Claims 1-48 are pending in this application. Claims 14-30 and 32-48 are withdrawn from consideration by the Examiner.

At the outset, the Applicants appreciate Examiner Bernhardt's time in speaking with the undersigned via telephone on March 23, 2006. As per the discussion with Examiner Bernhardt, the Applicants respectfully note that perhaps the Office misperceived the nomenclature of the present invention. Specifically, the species in claim 8 of the present invention have a single bond at the 3,4-position of the quinolinone ring. For example, the compound of claim 8, species number 9 on page 145, has the following structure and chemical name:



6-[3-(4-1,2-benzisothiazol-3-yl-piperazin-1-yl)-propyl]-4-methyl-  
3,4-dihydro-1H-quinolin-2-one

Under the present IUPAC convention, the "in" in quinolin-2-one means "3,4-dihydro". Also, the 3,4-dihydro in the "3,4-dihydro-1H-quinolin-2-one" portion of the chemical name above denotes the saturation of the 3,4-position with a hydrogen. Based on the foregoing, the Applicants respectfully request clarification of the nomenclature utilized by the Office as it relates to the present invention.

The Applicants have amended claims 13 and 31, withdrawn claims 14-16 and cancelled claims 1-7, 9-12, 17-30 and 32-48, without prejudice. The Applicants respectfully reserve the right to pursue the canceled and/or non-elected subject matter in a divisional application.

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The Applicants respectfully note that the withdrawn claims have also been amended.

Additionally, the Applicants have added new claims 49 and 50 to the present application. The Applicants respectfully submit that the new claims do not add subject matter to the present application. Support for new claims 49 and 50 can be found in the specification and particularly, in Example 27.

Upon entry of the present amendment, claims 8, 13, 31 and 49-50 are pending in this application and claims 14-16 are withdrawn.

**I. Election/Restrictions**

Restriction to one of the following inventions was required under 35 U.S.C. §121:

- I. Claims 1-13 and 31, drawn to compounds, simple compositions where  $Z=N$ , classified in class 544, subclasses 361, 363; class 514 subclasses 253.03, 253.07.
- II. Claims 1-7, 9-13, drawn to compounds, simple compositions where  $Z=CH$ , classified in class 546, subclasses 157-158; class 514 subclass 312.
- III. Claims 14-21 and 32-39, drawn to multiple uses employing compounds of I, classified in class 514, subclass 253.03, etc.
- IV. Claims 14-21, drawn to multiple uses employing compounds of II, classified in class 514, subclass 312.
- V. Claims 22-30 and 40-48, drawn to multiple uses employing compounds of I and additional active ingredients, classified in class 514, subclasses various as determined by the exact nature of ingredients employed.
- VI. Claims 22-30, drawn to multiple uses employing compounds of II and additional active ingredients, classified in class 514, subclasses various as determined by the exact nature of ingredients employed.

The Applicants hereby elect Group I, for prosecution on the merits without traverse.

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Applicants were also required to elect a single species embrative of the elected group. Applicants hereby elect the compound, 6-[2-(4-benzo[d]isothiazol-3-yl)-piperazin-1-yl]-ethyl]-8-chloro-4,4-dimethyl-3,4-dihydro-1H-quinolin-2-one, for prosecution. The Applicants respectfully note that this species differs from the species that was provisionally elected. The Applicants respectfully submit that this species falls within the scope of Group I.

As such, the Applicants have hereby amended and withdrawn claims 14-16, and canceled from prosecution, claims 17-30 and 32-48, without prejudice. The Applicants respectfully reserve the right to file a Divisional application(s) to the non-elected subject matter in claims 14-16, 17-30 and 32-48.

The Applicants have also hereby added new claims 49-50.

The Applicants have amended withdrawn claims 14-16 to maintain dependency on the product claims in order to preserve the right to rejoiner in the event that the product claims are found allowable.

## **II. Rejection under 35 U.S.C. 112, second paragraph**

The Office has rejected claims 1-7, 9-13 and 31 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Based on cancellation of claims 1-7 and 9-12 in the present amendment, the Applicants respectfully submit that the rejections as set forth in items 1-3 and 5 are rendered moot.

With respect to item 4, the Office states that the plethora of intended uses present in the composition claims, 13 and 31, renders the intended "amount" ambiguous. In response and as

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per the recommendation of the Examiner, the Applicants have deleted the uses from claim 13 and 31.

Based on the foregoing, the Applicants respectfully submit that the rejection of claims 1-7, 9-13 and 31 under 35 U.S.C. 112, second paragraph, has been overcome and respectfully request that the rejection be withdrawn.

**III. Rejections under 35 U.S.C. 112, first paragraph**

The Office has rejected claims 1-7 and 9-13 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Office states that the claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

Based on cancellation of claims 1-7 and 9-12 and the amendment of claim 13 as set forth in the present amendment, the Applicants respectfully submit that the rejection under 35 U.S.C. 112, first paragraph, has been rendered moot.

**IV. Rejections under 35 U.S.C. 102**

The Office has rejected claims 1, 6, and 9-13 under 35 U.S.C. 102(b), as being anticipated by Howard (EP '435).

Based on cancellation of claims 1, 6 and 9-12 and the amendment of claim 13 as set forth in the present amendment, the Applicants respectfully submit that the rejection under 35 U.S.C. 102(b) has been rendered moot.

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**V. Rejections under 35 U.S.C. 103**

The Office has rejected claims 5, 7, 8 and 31 under 35 U.S.C. 103(a), as being anticipated over Howard (EP '435) in view of Lowe (US '031).

In response, the Applicants respectfully request clarification of the basis of this rejection in view of the comments set forth in the Remarks section above.


**VI. Conclusion**

Upon entry of the present amendments, the Applicants submit that this application is now in condition for allowance, which allowance is respectfully solicited.

If the Examiner believes that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at 734-622-2658.

Respectfully submitted,

Dated: March 27, 2006

  
Suzanne M. Harvey  
Registration No. 42,640  
Warner-Lambert Company  
2800 Plymouth Road  
Ann Arbor, MI 48105  
Telephone: (734) 622-2658  
Facsimile: (734) 622-1553